

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 940 - HB 1641

March 21, 2011

SUMMARY OF BILL: Creates statutory burden of production and persuasion in employment discrimination, Tennessee Disability Act, and retaliatory discharge actions. Requires plaintiff to establish a prima facie case of discrimination or retaliation. If this burden is met, the defendant is required to meet a burden of production to show a legitimate, non-discriminatory reason for the challenged employment action. If the defendant meets this burden, the plaintiff is required to prove that the defendant's stated reason was not the true reason for the action and that the stated reason was a pretext for illegal discrimination or retaliation.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Creating statutory burdens of production and persuasion will have no significant impact on the case load of trial or appellate courts.
- No significant fiscal impact on the operations of the Tennessee Human Rights Commission or the Department of Human Resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

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